

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

RESOURCE CONSERVATION AND RECOVERY ACT PERMIT

Facility Name and Location: Lubrizol Corporation
 155 Freedom Road
 Painesville, Ohio 44077

Owner(s): Lubrizol Corporation
Operator(s): Lubrizol Corporation

U.S. EPA Identification Number: OHD 004 172 623

Effective Date: _____

Expiration Date: _____

Authorized Activities:

The United States Environmental Protection Agency (U.S. EPA) hereby issues the Federal portion of the Resource Conservation and Recovery Act (RCRA) permit (hereinafter referred to as the “permit”) to Lubrizol Corporation, (hereinafter referred to as the “Permittee”) to regulate the management of hazardous waste at its facility located at 155 Freedom Road, Painesville, Ohio (hereinafter known as the “Facility”).

This permit is issued under the authority given to the U.S. EPA by the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, and the Hazardous and Solid Waste Amendments (HSWA) of 1984 (42 USC § 6901 *et seq.*), collectively referred to as RCRA, and in accordance with regulations promulgated thereunder by the U.S. EPA and codified in Title 40 of the Code of Federal Regulations (40 CFR).

Section 3006 of RCRA (42 U.S.C. § 6926) authorizes the U.S. EPA to convey to a state government the authority to administer RCRA if the state’s program is equivalent to ensure that the health of the public is protected. The state authorization procedures are described in the regulations at 40 CFR Part 271. On June 30, 1989, the U.S. EPA authorized the Ohio Environmental Protection Agency (OEPA) to administer the RCRA hazardous waste program. Since then the U.S. EPA has continued to promulgate new RCRA regulations. When the OEPA demonstrated it was able to adequately administer those new RCRA regulations, the U.S. EPA issued a subsequent authorization, adding the new regulations to the OEPA’s authorized RCRA program.

The U.S. EPA has not yet authorized the OEPA to administer 40 CFR Part 264, Subpart BB, standards for air emissions from equipment leaks, and 40 CFR Part 264, Subpart CC standards for air emissions from tanks and containers storing hazardous wastes. Therefore, the U.S. EPA is issuing this

portion of the RCRA permit to cover operations at the Permittee's facility which fall under these regulations.

The Permittee's complete RCRA permit is comprised of both this U.S. EPA permit, which contains the applicable federal RCRA conditions, and the RCRA permit issued by the OEPA effective on date of final. The complete RCRA permit authorizes the Permittee to manage hazardous waste in accordance with the terms and conditions of the permit. This permit consists of all the conditions contained herein, and all conditions incorporated by citation. The Permittee must comply with all terms and conditions contained in the permit.

This permit is based on the following assumptions: (1) the information submitted by the Permittee in the permit application dated February 25, 1993 and subsequent revisions (hereinafter referred to as the application) is accurate, and (2) the facility is configured, operated and maintained as specified in the application.

Any inaccuracies in the application may be grounds for the U.S. EPA to modify or revoke and reissue this permit in accordance with 40 CFR § 270.41, or terminate it in accordance with 40 CFR § 270.43; and for enforcement action under Section 3008 of RCRA. The Permittee must inform the U.S. EPA of any deviation from, or changes in, the information in the application that might affect the Permittee's ability to comply with the applicable regulations or conditions of this permit.

Opportunity to Appeal:

Petitions for review of the final permit must be submitted within 30 days after the U.S. EPA serves notice of the final permit decision. Any person who filed comments on the draft permit or participated in the public hearing may petition the Environmental Appeals Board to review any condition of the permit decision. Any person who failed to file comments or failed to participate in the public hearing on the draft permit may file a petition for review only to the extent of the changes from the draft to the final permit decision. The procedures for permit appeals are found in 40 CFR § 124.19.

Effective Date:

This permit is effective as of _____ and will remain in effect until _____, unless revoked and reissued under 40 CFR § 270.41, terminated under 40 CFR § 270.43, or continued in accordance with 40 CFR § 270.51(a).

By: _____
Margaret M. Guerriero, Acting Director
Waste, Pesticides and Toxics Division

Date: _____

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SECTION I—STANDARD PERMIT CONDITIONS

I.A EFFECT OF PERMIT

The Permittee is hereby allowed to manage hazardous waste in accordance with this permit. Under this permit, the operation of units storing RCRA hazardous waste must comply with all terms and conditions in this permit. Other aspects of the storage, treatment, and disposal of RCRA hazardous wastes by the Permittee in containers, tanks, miscellaneous units, etc., are subject to the conditions in the RCRA permit issued by the OEPA. Any hazardous waste activity which requires a RCRA permit and is not authorized in either the U.S. EPA or the OEPA RCRA permit is prohibited.

Pursuant to 40 CFR § 270.4, compliance with the RCRA permit during its term generally constitutes compliance, for purposes of enforcement, with Subtitle C of RCRA, except for those RCRA requirements not included in the permit which become effective by statute. This permit does not (1) convey any property rights or any exclusive privilege; (2) authorize any injury to persons or property, or invasion of other private rights; or (3) authorize any infringement of state or local law or regulations. Compliance with the terms of this permit does not constitute a defense to any order issued, or any action brought, under (1) Sections 3008, 3013, or 7003 of RCRA; (2) Sections 104, 106, or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 USC §§ 9601 *et seq.* (commonly known as CERCLA); or (3) any other law protecting public health or the environment from any imminent and substantial endangerment to human health, welfare, or the environment. (40 CFR §§ 270.4 and 270.30(g))

I.B PERMIT ACTIONS

The U.S. EPA may modify or revoke and reissue this permit in accordance with 40 CFR § 270.41, or terminate it in accordance with 40 CFR § 270.43. Section 3005(c)(3) of RCRA provides that modification pursuant to 40 CFR § 270.41 may include any new terms and conditions the U.S. EPA determines are necessary to protect human health and the environment. The filing by the Permittee of a request for modification, revocation and reissuance, or termination of this permit, or a notification by the Permittee of planned changes or anticipated noncompliance will not stay the applicability or enforceability of any permit condition. (40 CFR § 270.30(f))

The Permittee may request a modification of this permit under the procedures specified in 40 CFR § 270.42. A class 1 modification is generally allowed without prior approval by the U.S. EPA except under certain conditions as described in 40 CFR § 270.42(a)(2). A Class 2 modification requires prior approval by U. S. EPA as described in 40 CFR § 270.42(b). However, the Permittee may perform construction associated with a Class

2 permit modification request beginning 60 days after submission of the request unless the Director of Waste, Pesticides, and Toxics Division, U.S. EPA, Region 5, (Director) establishes a later date under 40 CFR § 270.42(b)(8). Procedures for a Class 3 modification are specified in 40 CFR § 270.42(c). The Permittee must not perform any construction associated with a Class 3 permit modification request until such modification request is granted and the modification becomes effective.

I.C SEVERABILITY

This permit's provisions are severable; if any permit provision, or the application of any permit provision to any circumstance, is held invalid, such provision's application to other circumstances and the remainder of this permit will not be affected. Invalidation of any statutory or regulatory provision on which any condition of this permit is based does not affect the validity of any other statutory or regulatory basis for that condition. (40 CFR § 124.16(a))

I.D DEFINITIONS

The terms used in this permit will have the same meaning as in 40 CFR Parts 124, 260 through 266, 268 and 270, unless this permit specifically provides otherwise. Where neither the regulations nor the permit define a term, the term's definition will be the standard dictionary definition or its generally accepted scientific or industrial meaning.

I.E DUTIES AND REQUIREMENTS

1.E.1 Duty to Comply

The Permittee must comply with all conditions of this permit, except to the extent and for the duration for which an emergency permit authorizes such noncompliance (see 40 CFR § 270.61). Any permit noncompliance, except under the terms of an emergency permit, constitutes a violation of RCRA and will be grounds for enforcement action, permit termination, revocation and reissuance, modification, or denial of a new permit. (40 CFR § 270.30(a))

1.E.2 Permit Expiration

Unless revoked or terminated, this permit and all conditions herein will be effective until *date of state permit expiration*. This permit and all conditions herein will remain in effect beyond the permit's expiration date only if the Permittee has submitted a timely, complete application for a new permit (40 CFR §§ 270.10 and 270.13 through 270.29), and, through no fault of the Permittee, the Director has not made a final determination regarding issuance of a new permit. (40 CFR §§ 270.50 and 270.51)

1.E.3 Duty to Reapply

If the Permittee wishes to continue the activities regulated by this permit after its expiration date, the Permittee must submit a complete application for a new permit at least 180 days before this permit's expiration date, unless the Director grants permission for a later application submittal date. The Director will not grant permission to submit an application for a new permit later than this permit's expiration date. In reviewing any application for a new permit, the U.S. EPA will consider improvements in the state of control and measurement technology, and changes in applicable regulations. (40 CFR §§ 270.10(h) and 270.30(b))

I.E.4 Need to Halt or Reduce Activity Not a Defense

In an enforcement action, the Permittee is not entitled to a defense that it would have been necessary to halt or reduce the permitted activity to maintain compliance with this permit. (40 CFR § 270.30(c))

I.E.5 Duty to Mitigate

In the event of noncompliance with this permit, the Permittee must take all reasonable steps to minimize releases to the environment resulting from the noncompliance and must implement all reasonable measures to prevent significant adverse impacts on human health or the environment. (40 CFR § 270.30(d))

I.E.6 Proper Operation and Maintenance

The Permittee must always properly operate and maintain all facilities and treatment and control systems (and related appurtenances) that the Permittee installs or uses to comply with this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance/quality control procedures. This provision requires the Permittee to operate back-up or auxiliary facilities or similar systems only when necessary to comply with this permit. (40 CFR § 270.30(e))

I.E.7 Duty to Provide Information

Within a reasonable time, the Permittee must provide the Director any relevant information that the Director requests to determine whether there is cause to modify, revoke and reissue, or terminate this permit, or to determine permit compliance. The Permittee must also provide the Director, upon request, with copies of any records this permit requires. The information the Permittee must maintain under this permit is not subject to the Paperwork Reduction Act of 1980, 44 USC §§ 3501 *et seq.* (40 CFR §§ 264.74(a) and 270.30(h))

I.E.8 Inspection and Entry

Pursuant to 40 CFR § 270.30(i), upon the presentation of credentials and other legally required documents, the Permittee must allow the Director or an authorized representative to:

I.E.8.a Enter the Permittee's premises at reasonable times where a regulated activity is located or conducted, or where records must be kept under the conditions of this permit;

I.E.8.b Have access to and copy, at reasonable times, any records that the Permittee must keep under the conditions of this permit;

I.E.8.c Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

I.E.8.d Sample or monitor any substances at any location at reasonable times, to ensure permit compliance or as RCRA otherwise authorizes.

Notwithstanding any provision of this permit, the U.S. EPA retains the inspection and access authority which it has under RCRA and other applicable laws.

I.E.9 Monitoring and Records

I.E.9.a Samples and measurements taken for monitoring purposes must be representative of the monitored activity. The methods used to obtain a representative sample of treatment residue or other waste to be analyzed must be the appropriate methods from Appendix I of 40 CFR Part 261, or the methods specified in the waste analysis plan approved by the OEPA, or an equivalent method approved by the Director. Laboratory methods must be those specified in *Test Methods for Evaluating Solid Waste: Physical/Chemical Methods* (SW-846, latest edition), *Methods for Chemical Analysis of Water and Wastes* (EPA 600/4-79-020), or an equivalent method, as specified in the referenced waste analysis plan. (40 CFR § 270.30(j)(1))

I.E.9.b The Permittee must retain, at the facility, all records as specified in 40 CFR § 264.74.

I.E.9.c The Permittee must submit all monitoring results at the intervals specified in this permit.

I.E.9.d The Permittee must retain all reports, records, or other documents, required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the reports, records, or other

documents, unless a different period is specified in this permit. The 3-year period may be extended by request of the Director at any time and is automatically extended during the course of any unresolved enforcement action regarding this facility. (40 CFR §§ 270.30(j)(2) and 270.31)

I.E.10 Reporting Planned Changes

The Permittee must notify the Director as soon as possible of any planned physical alterations or additions to the permitted facility. (40 CFR § 270.30(l)(1))

I.E.11 Reporting Anticipated Noncompliance

The Permittee must notify the Director, in advance, of any planned changes in the permitted facility or activity that may result in permit noncompliance. Advance notice will not constitute a defense for any noncompliance. (40 CFR § 270.30(l)(2))

I.E.12 Certification of Construction

For a new facility, the Permittee may not treat, store, or dispose of hazardous waste; and for a facility being modified, the Permittee may not treat, store, or dispose of hazardous waste in the modified portion of the facility except as provided in 40 CFR § 270.42, until:

I.E.12.a The Permittee has submitted to the Director certification attested to by a registered professional engineer that the facility has been constructed or modified in compliance with the permit; (40 CFR § 270.30(l)(2)(i)) and

I.E.12.b The U.S. EPA has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit. However, if within 15 days of the date of submission of the above letter the Permittee has not received notice from the U.S. EPA of intent to inspect, prior inspection is waived and the Permittee may commence treatment, storage, or disposal of hazardous waste in the new or modified portion of the facility. (40 CFR § 270.30(l)(2)(ii))

I.E.13 Transfer of Permits

This permit is not transferable to any person, except after notice to the Director. If the Permittee notifies the Director of a transfer of ownership or change of operator of the premises subject to this permit, under 40 CFR § 270.40, the Director may revoke and reissue or modify the permit to change the name of the owner or operator and incorporate other RCRA requirements. Before transferring ownership or operation of the facility during its operating life, the Permittee must notify the new owner or operator in writing of the requirements of this permit

and the requirements of 40 CFR Parts 264, 268, and 270. (40 CFR §§ 264.12(c), 270.30(l)(3), and 270.40(a))

I.E.14 Twenty-Four Hour Reporting

I.E.14.a The Permittee must report to the U.S. EPA, Region 5 office any noncompliance with this permit that may endanger human health or the environment. Any such information must be reported orally within 24 hours after the Permittee becomes aware of the circumstances, by contacting the Enforcement and Compliance Assurance Branch at (312) 886-0838. (40 CFR §§ 270.30(l)(6))

I.E.14.b The report must describe the occurrence of any of the following: (1) the release of any hazardous waste that may endanger public drinking water supplies; (2) a release or discharge of hazardous waste; or (3) a fire or explosion from the hazardous waste management facility, that could threaten the environment or human health outside the facility. The Permittee must include the following information about the incident:

- (1) Name, title and telephone number of the person making the report;
- (2) Name, address and telephone number of the facility owner or operator;
- (3) Date, time and type of incident;
- (4) Location and cause of incident;
- (5) Identification and quantity of material(s) involved;
- (6) Extent of injuries, if any;
- (7) Assessment of actual or potential hazards to the environment and human health outside the facility, where applicable;
- (8) Description of any emergency action taken to minimize the threat to human health and the environment; and
- (9) Estimated quantity and disposition of recovered material that resulted from the incident.

I.E.14.c In addition to the oral notification required under Conditions I.E.14.a and I.E.14.b of this permit, the Permittee must submit to the Director a written report

within 5 calendar days after it became aware of the circumstances. The written report must include, but is not limited to, the following:

- (1) Name, address and telephone number of the person reporting;
- (2) Incident description (e.g., noncompliance and/or release or discharge of hazardous waste), including cause, location, extent of injuries, if any, and an assessment of actual or potential hazards to the environment and human health outside the facility, where applicable;
- (3) Period(s) in which the incident (e.g., noncompliance and/or release or discharge of hazardous waste) occurred, including exact dates and times;
- (4) Whether the incident's results continue to threaten human health and the environment, which will depend on whether the noncompliance has been corrected and/or the release or discharge of hazardous waste has been adequately cleaned up; and
- (5) If the noncompliance has not been corrected, the anticipated period for which it is expected to continue and the steps taken or planned to reduce, eliminate, and prevent the recurrence of the noncompliance.

The Director may waive the requirement that written notice be provided within 5 calendar days; however, the Permittee will then be required to submit a written report within 15 calendar days after the day on which the Permittee was required to provide the oral notice required by Condition I.E.14.a. This report must contain the information required by Condition I.E.14.b of this permit. (40 CFR § 270.30(1)(6))

I.E.15 Other Noncompliance

For all instances of noncompliance which do not endanger health or the environment and are not reported under Condition I.E.14 of this permit, the Permittee must include a description of such instances with the submittal of any other reports required by this permit. The reports must contain the information listed in Condition I.E.14. (40 CFR § 270.30(1)(10))

I.E.16 Other Information

I.E.16.a Whenever the Permittee becomes aware that it failed to submit or otherwise omitted any relevant facts in the permit application or other submittal, or submitted incorrect information in the permit application or other submittal, the Permittee must promptly notify the Director of any incorrect information or previously

omitted information, submit the correct facts or information, and explain in writing the circumstances of the incomplete or inaccurate submittal. (40 CFR § 270.30(l)(11))

I.E.16.b All other requirements contained in 40 CFR § 270.30 not specifically described in this permit are incorporated into this permit and the Permittee must comply with all those requirements.

I.F SIGNATORY REQUIREMENT

The Permittee must sign and certify all applications, reports, or information this permit requires, or which are otherwise submitted to the Director, in accordance with 40 CFR § 270.11. (40 CFR § 270.30(k))

I.G REPORTS, NOTIFICATIONS AND SUBMITTALS TO THE DIRECTOR

Except as otherwise specified in this permit, all reports, notifications, or other submittals that this permit requires to be submitted to the Director shall be sent by certified mail or hand-delivered to the U.S. Environmental Protection Agency, Region 5, at the following address:

United States Environmental Protection Agency
attn: RCRA Permitting
Waste Management Branch, DW-8J
Waste, Pesticides and Toxics Division
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

I.H CONFIDENTIAL INFORMATION

In accordance with 40 CFR Part 2 Subpart B, the Permittee may claim any information this permit requires, or is otherwise submitted to the Director, as confidential. The Permittee must assert any such claim at the time of submittal in the manner prescribed on the application form or instructions, or, in the case of other submittals, by stamping the words "Confidential Business Information" on each page containing such information. If the Permittee made no claim at the time of submittal, the Director may make the information available to the public without further notice. If the Permittee asserts a claim, the information will be treated in accordance with the procedures in 40 CFR Part 2. (40 CFR § 270.12)

I.I DOCUMENTS TO BE MAINTAINED AT THE FACILITY

The Permittee must maintain at the facility, until closure is completed and certified by an independent registered professional engineer, the following documents and all amendments, revisions, and modifications to them.